



Australian Leading Institute of Technology

RTO Code: 45156

CRICOS Code: 03981M

No.6.1.1: Agent Appointment, Monitoring and Management Policy

Policy Context

This policy relates to:	
Registration Manager	Australian Skills Quality Authority (ASQA)
Conditions of Registration	VET Quality Framework (VQF)
Codes and Standards	ESOS National Code – Standard: 3.4.1; 4.1; 4.2; 4.3; 4.4; 4.5; 4.6; 10.2.2; Standards for RTOs 2015 – Standard: 4.1; 7.3;
Legislation or other requirements	National Vocational Education and Training Regulator Act 2012

Purpose

The Institute’s Education Agents represent and promote the Institute and often act as the first point of contact for prospective learners who are looking for studying at the Institute. The Institute and the Agent must be committed to providing quality student applicants for prospective training and assessment at the Institute rather than aiming for large quantity of prospective applicants. Therefore, the Institute is committed to ensuring its Agents act in an ethical, compliant and appropriate manner. The purpose of this policy is to ensure that all of the Institute’s appointed Agents act in an ethical manner and comply with the Institute’s obligations under the Education Services for Overseas Students(ESOS) Act 2000, National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2018 (National Code) and the Migration Act 1958. This policy will also describe the procedure for approving prospective Agents and the monitoring of Agents that are appointed to represent the Institute.

Objective

The ALIT will follow a firm practice in the recruiting monitoring and termination of education agents domestically and internationally to ensure honest and professional representation of ALIT with the highest integrity.

Scope

This policy will apply to all agents, staff and other ALIT stakeholders.

Policy

The Institute will enter into a written agreement (*Education Agent Agreement*) with each education agent it engages to formally represent it, and enter and maintain the education agent's details in PRISMS.

In becoming an education agent of the Institute, the education agent has to:

- i) promote the Institute and its approved training products in accordance with the Institute's policy and procedures;
- ii) ensure all applicants for training products are both Genuine Temporary Entrants and Genuine Students, in order to maintain the integrity of the Australian student visa program, and to ensure that the Institute only recruits high quality genuine and temporary students;
- iii) provide prospective learners with all necessary information about the training products, Institute facilities and services and assistance in completing and submitting application forms to the Institute in accordance with all the requirements of the ESOS Act, The National Code 2018 and ALIT Standards 2015.

The *Education Agent Agreement* will outline:

- i) the responsibilities of the Institute, including that the Institute is responsible at all times for compliance with the ESOS Act 2000 and National Code 2018;
- ii) the Institute requirements of the agent in representing the Institute as outlined in the policy;
- iii) the Institute's processes for monitoring the activities of the education agent in representing the Institute, and ensuring the education agent is giving students accurate and up-to-date information on the Institute's services;
- iv) the corrective action that may be taken by the Institute if the education agent does not comply with its obligations under the *Education Agent Agreement* including providing for corrective action outlined in the policy.
- v) the Institute's grounds for termination of the Institute's *Education Agent Agreement* with the education agent, including providing for termination in the circumstances outlined in in the policy.
- vi) the circumstances under which information about the education agent may be disclosed by the Institute and the Commonwealth or state or territory agencies.

The Institute will require its education agent to:

- i) declare in writing and take reasonable steps to avoid conflicts of interests with its duties as an education agent of the Institute;
- ii) observe appropriate levels of confidentiality and transparency in their dealings with international students or potential international learners;
- iii) act honestly and in good faith, and in the best interests of potential learners and students;
- iv) have appropriate knowledge and understanding of the international education system in Australia, including the [Australian International Education and Training Agent Code of Ethics](#)

The Institute reviews education agent activities and monitors education agents on an ongoing basis, in accordance with Procedure Section of this policy. The education agent must strictly adhere to the terms and conditions stipulated in the *Education Agent Agreement* at all times.

Where the Institute becomes aware that, or has reason to believe, the education agent or an employee or subcontractor of that education agent has not complied with the education agent's responsibilities under the policy, the Institute will take immediate corrective action.

Where the Institute becomes aware, or has reason to believe, that the education agent or an employee or subcontractor of the education agent is engaging in false or misleading recruitment practices, the Institute will immediately terminate its relationship with the education agent, or require the education agent to terminate its relationship with the employee or subcontractor who engaged in those practices.

The Institute will not accept students from an education agent if it knows or reasonably suspects the education agent to be:

- i) providing migration advice, unless that education agent is authorised to do so under the Migration Act 1958;

- ii) engaged in, or to have previously engaged in, dishonest recruitment practices, including the deliberate attempt to recruit a student where this clearly conflicts with the obligations of registered providers under National Code 2018 Standard 7 (Overseas student transfers);
- iii) facilitating the enrolment of a student who the education agent believes will not comply with the conditions of his or her visa;

The Institute may terminate an education agent's appointment where it knows or has a reasonable suspicion that an education agent may have been engaged in unprofessional conduct or is in any way non-compliant with the ESOS Act 2000, National Code 2018 or the Institute's Policies and Procedures.

The Institute retains absolute the right to veto any education agent activity when the Institute's opinion is not compliant with:

- i) Education Agent Agreement;
- ii) Any Relevant Legislation; or
- iii) Any information provided to the education agent by the Institute; and
- iv) The purpose and intent of this policy.

Education agents are appointed for two years from the date of signing the *Education Agent Agreement*. At the expiry of the *Education Agent Agreement*, the Institute will review the performance of the education agent before, either renewing the *Education Agent Agreement* or terminating the Institute's relationship with the education agent.

The Institute publishes a list of all current appointed education agents on its website obtained from the *Education Agent Agreements Register*. The list can be accessed via institute website. As a minimum the list will include the education agency name, name of the principal agent, legal entity and street address.

The Institute ensures that education agents have access to up-to-date and accurate marketing information as set out in *National Code 2018 Standard 1* and in accordance with *Marketing and Advertising Policy and Procedure*.

The Institute does not allow education agents to access PRISMS or issue eCOEs on the Institute behalf.

The agent agreement will clearly state the responsibility of bearing the cost of advertisement and promotional activities.

Under this policy the Institute is free to negotiate a commission to be paid to agents and the basis on which such commission will be paid. The Agent commission:

- i) will be clearly specified in the contract and paid accordingly;
- ii) will be payable for each student recruited and enrolled into any of the training products provided by the Institute in any given time;
- iii) will be payable for each student who:
 - a) Is recruited by the Agent; and
 - b) Is enrolled in training product; and
 - c) Has paid the training product fee to the Institute; and
 - d) Has commenced the training; and
 - e) Who has not, subsequent to commencing training, been fully refunded the fees.
- iv) will be payable if the agent submits the student's application for enrolment, that application also bears the agent's name and eCoE has been issued after payment of fee.
- v) will not be paid where the student applies to enrol directly to the Institute or subsequent to the admission; agent was in breach of this agreement or engaged in the activities which are detrimental to the Institute;
- vi) will not be paid unless the agent has submitted an invoice in a form approved by the Institute.

Procedures

Process new education agent application

Procedure	Responsibility
<p>Provide information to potential education agents upon making contact with the Institute.</p> <ul style="list-style-type: none"> ▪ Email or post potential education agents with the <i>Education Agent Information Kit</i> and <i>Education Agent Application Form</i> for completion. ▪ Advise in a covering email or letter that the application process will take 4 – 6 weeks from receipt of the completed forms. 	PEO
<p>Assess application from education agent</p> <ul style="list-style-type: none"> ▪ Acknowledge receipt of application. ▪ Review application for completeness. ▪ Where the application is incomplete, inform the education agent of the additional information required and the requirement to provide this within 28 days or that otherwise the application will no longer be valid. ▪ Consider information in application and contact referees as required. ▪ Advise referees to complete the <i>Education Agent Reference Check Form</i> or complete the form if referees are contacted by phone. ▪ Assess application based on the responses from referees, the location that the education agent will recruit from, the demonstrated understanding of Australian laws in regard to student recruitment and agent experience in the recruitment of international students. ▪ Approve or refuse application and forward the application to CEO. ▪ If approved, compile and forward the draft <i>Education Agent Agreement</i> for endorsement. 	PEO and CEO

Procedure	Responsibility
<p>Endorse application from education agent</p> <ul style="list-style-type: none"> ▪ Endorse or refuse application and forward the decision to Marketing. ▪ If endorsed, approve the draft <i>MFM02 Education Agent Agreement</i>. 	PEO
<p>Notify agents in writing of the decision to approve or not approve the application and including reasons where the application is declined. If approved commence the confirm agreement stage.</p>	PEO

Confirm agreement

Procedure	Responsibility
<p>Confirm agreement with new Education Agent</p> <ul style="list-style-type: none"> ▪ Send two copies of the <i>Education Agent Agreement</i> to the agent for signing with one to be returned. The agreement will be valid for two years for new applications. ▪ Following receipt of signed agreement, send certificate as evidence of registration with the Institute to be displayed in agents' offices to indicate to prospective students that they have a written agreement with the Institute. ▪ Add approved agent to <i>Education Agent Agreements Register</i>. ▪ Add approved agents to the Institute's list of approved Education Agents and publish on the Institute's web site. ▪ Enter details of education agent into PRISMS. Ensure details are maintained at all times in the event of changes. ▪ Update the agent information to ASQA 	PEO
<p>Renew existing agent agreements</p>	PEO

Procedure	Responsibility
<ul style="list-style-type: none"> ▪ For existing Education Agents and subject to effective performance, provide copies of renewed agreements for signing. Existing agreements will generally be renewed for a further two years. ▪ Any updates to agent contact information should be processed using <i>Education Agent Information Update Form</i> ▪ Update <i>Education Agent Agreements Register</i>. 	

Implement agent agreement

Procedure	Responsibility
<p>Induct new agents</p> <ul style="list-style-type: none"> ▪ Provide an induction regarding the Institute’s training products. ▪ Provide an overview of Institute’s current marketing. ▪ Discuss student enrolment and selection process. ▪ Provide approved marketing materials and discuss process for updating any revised marketing materials. ▪ Discuss and clarify National Code 2018 requirements ▪ Confirm dates for review of Agreement and targets to be achieved. 	PEO
<p>Provide up to date information to agents</p> <ul style="list-style-type: none"> ▪ Provide up to date information to agents through: <ul style="list-style-type: none"> ○ Email important information to agents if any legislative and organisational changes related to agent or as per need basis. Ensure each email includes most current documents/links, so that the 	PEO

<p>agents are able to easily check they are using the most current up to date material available.</p> <ul style="list-style-type: none"> ○ Emails, phone calls, text messages or other informal communications regarding specific student issues. ○ Publishing content on Institute’s website and social media profiles 	
<p>Provide up to date marketing information to agents</p> <ul style="list-style-type: none"> ▪ Provide up to date marketing information to agents each time marketing information is updated. ▪ Send updated marketing information via email or post. ▪ Education agent information sessions held at the Institute (for onshore agents). ▪ Delivering seminars and marketing events with education agents when the Institute representatives are available in the education agent’s region. ▪ Where the website is updated, email agents with a link to the updated website and provide a summary of changes. ▪ Check that emails have been received from all agents confirming that they are using new versions and have removed, taken down or destroyed previous versions. ▪ Follow up agents who have not sent this email confirmation to ensure they send it immediately. 	PEO

Monitoring Education Agents

Procedure	Responsibility
Implement monitoring procedures as per written agreement	PEO



- Documented face to face meetings and/or teleconferences with agents at least every six months.
- Analysis of quality and quantity of applications on behalf of prospective students.
- Analysis of conversion rates from lodging applications to studying at the Institute.
- Requirement for education agent to complete *Education Agent Annual Self-Assessment Form* documenting the agent's performance over the past year and *Education Agent Performance Review Form* completed by Marketing and Admissions Manager.
- Collect feedback from students relating to their education agent using *Student Satisfaction Survey on Education Agent*
- Documenting on the agent's file instances where students claim to have been misinformed about their studies at the Institute.
- Documenting on the agent's file instances where the agent has shown a lack of knowledge of student visa requirements or other matter relating to the student's stay in Australia.
- Surveying current and prospective learners about the information provided to them by the education agent and the level of assistance given to the student to assist them in travelling to Australia.
- Evaluation of number of students reported and cancelled to the Department of Home Affairs (DHA) for non-compliance.
- Evaluation of the education agent's advertising activities by reviewing the education agent's website and social media profiles. The Institute may request the Agent to provide advertising material that the Agent has used over the past year and review them for any false or misleading advertising or unscrupulous conduct.



<ul style="list-style-type: none">▪ If at any time, monitoring procedures show that the agent is not meeting the terms as specified in the written agreement, investigate the issue as shown below.▪ Where an agent is meeting the terms as shown in the written agreement, provide written feedback to agent indicating such.	
<p>Investigate agents who are not meeting the terms of their agreement</p> <ul style="list-style-type: none">▪ If at any time the Institute believes that the education agent is not meeting the obligations of the <i>Education Agent Agreement</i> or the National Code 2018, is being negligent, careless or incompetent, or is engaged in false, misleading or unethical advertising and recruitment practices, the Marketing and Admissions Manager will follow the review process stated below:<ul style="list-style-type: none">○ Identify and gather information about the issue.○ Contact the education agent to seek response on the issue.○ Discuss the issue and the response from the education agent with PEO.▪ PEO decide on action as follows:<ul style="list-style-type: none">i) No Breach<p>In this case the education agent is acknowledged in writing for the education agent’s input and no further action is taken.</p>ii) Minor Breach<p>In this case the education agent is given a written warning advising the education agent that any further breach will result in the termination of their <i>Education Agent Agreement</i>. If necessary, the education agent will be provided with advice and/or training to ensure that the breach is not repeated. The Institute may decide to vary the <i>Education Agent Agreement</i> with additional conditions if required.</p>iii) Major Breach	<p>PEO</p> <p>CEO</p>

<p>In this case the education agent will be advised in writing that their <i>Education Agent Agreement</i> has been immediately terminated and that the Institute may advise authoritative bodies such as Department of Home Affairs, Migration Agents Registration Authority, PIER Online and/or the local Australian Embassy of the breach.</p> <ul style="list-style-type: none"> ▪ Where an agent is required to implement corrective or preventative action, monitor agent to ensure that actions are implemented according to agreed timelines. If actions are not implemented, terminate the agreement as above. ▪ PEO is responsible of implementing the decision and keeping all documentation on education agent file. 	
--	--

Version Control:

Document Name		No.6.1.1: Agent Appointment, Monitoring and Management Policy V2.0 20062023		
Document Code		V 2.0 20062023		
Approve By		CEO	Date Approved	20.06.2023
Revision History				
Version	Date of Changes	Change Summary	Author	Review Due
V1.0	October 2022	Original	VET management	June 2023
V2.0	June 2023	Updated & reviewed	VET management	June 2024
Organisation		Australian Leading Institute of Technology		
Document Controller		Operation and Compliance Officer		